

HONORABLE JAMES L. ROBART

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

INTELLICHECK MOBILISA, INC.,
a Delaware corporation,

Plaintiff,

v.

HONEYWELL INTERNATIONAL, INC.,
a Delaware corporation,

Defendant.

Case No. 2:16-cv-00341-JLR

**JOINT CLAIM
CONSTRUCTION AND
PREHEARING STATEMENT**

Pursuant to Local Patent Rule 132, Plaintiff Intellicheck Mobilisa, Inc. (“Intellicheck” or “Plaintiff”) and Defendant Honeywell International, Inc. (“Honeywell” or “Defendant”) hereby submit this Joint Claim Construction and Prehearing Statement.

A. AGREED CONSTRUCTIONS

“The construction of those claim terms, phrases, or clauses on which the parties agree” LPR 132(a). The parties agree on the construction of the following terms and phrases:

Term	Agreed Construction
“calculating an age...in response to said successful check for conformance”	calculating an age...if the extracted date is consistent with the driver license format of the issuing jurisdiction
“determining an identifier corresponding to an issuing jurisdiction”	determining a value that designates a jurisdiction that issued the document
“reference license format”	stored date for comparing to read license data
“remote”	not in the immediate vicinity, as a computer or other device located in another place (<i>e.g.</i> , room, building, or city) and accessible through some type of cable or communication link
“jurisdiction keys”	information identifying locations on one or more storage media where jurisdiction segments are stored
“Issuer Identification Number”	a number that designates the issuing jurisdiction
“checksum”	a value that is used to test for tampering or alteration of information and is calculated by sequentially combining the constituent parts of a chunk of data with a series of arithmetic or logical operations
“means for reading the information of said document into said programmable apparatus”	as a means-plus-function limitation wherein the function is “reading both human recognizable information and machine recognizable information from the document into the apparatus” and the structure is “a digital scanner or its equivalent, and one or both of a magnetic reader and a bar code scanner, or their equivalent”
“means for determining whether said document includes a license format corresponding to a reference license format based on a comparison between said read information and said reference license format”	as a means-plus-function limitation wherein the function is “determining whether the documents includes a license format corresponding to a reference license format based on a comparison between the read information and the reference license format and the structure is “a processor whose actions are directed by the algorithm specified in Table 4 of the ‘623 and ‘416 Patents, or equivalent structure.”

Term	Agreed Construction
“authenticate”	“verify the authenticity of”
“a jurisdiction discriminator engine adapted to determine and authenticate a jurisdiction”	“software capable of discriminating between jurisdictions to determine an issuing jurisdiction and verifying contents of the document according to the determined jurisdiction”

B. PROPOSED CONSTRUCTION OF DISPUTED TERMS AND SUPPORTING INTRINSIC AND EXTRINSIC EVIDENCE

“Each party’s proposed construction of each disputed claim term, phrase, or clause, together with an identification of all references from the specification or prosecution history that support that construction, and an identification of any extrinsic evidence on which it intends to rely either to support its proposed construction of the claim or to oppose any other party’s proposed construction of the claim” LPR 132(b).

Below please find a list of the one claim term that the parties have a dispute over the claim language, including citations to the intrinsic and extrinsic evidence.

Claim Language	Plaintiff’s Proposed Construction and Evidence in Support	Defendant’s Proposed Construction and Evidence in Support
<p>“first circuitry at said first location for receiving the information read from the driver license and determining whether the read information read comports with said predetermined format”</p> <p>Found in claim numbers: ‘067 Patent: 1</p>	<p>“first circuitry at said first location for receiving the information read from the driver license and determining whether the read information read comports with said predetermined format”</p> <p><u>Proposed Construction:</u> Not a means-plus-function limitation: no construction is necessary.</p> <p><u>Intrinsic Evidence:</u> ‘623 Patent at 2:49-63 <i>Id.</i> at 3:24-32 <i>Id.</i> at 4”47-63</p>	<p>“first circuitry at said first location for receiving the information read from the driver license and determining whether the read information read comports with said predetermined format”</p> <p><u>Proposed Construction:</u> 35 U.S.C. §112(6) claim term construed as means-plus-function term.</p> <p><u>Function:</u> “receiving the information read from the driver license and determining whether the read information read comports with said</p>

Claim Language	Plaintiff's Proposed Construction and Evidence in Support	Defendant's Proposed Construction and Evidence in Support
	<p><i>Id.</i> at 7:28-8:11 <i>Id.</i> at 8:43-10:22 <i>Id.</i> at 10:25-11:55 <i>Id.</i> at 15:41-46 <i>Id.</i> at Figs. 3 <i>Id.</i> at 4A <i>Id.</i> at 4B '416 Patent at 15:42-49 '623 File History, 1991-10-13 Amendment at 5</p>	<p>predetermined format.”</p> <p><u>Structure</u>: “a processor whose actions are directed by the algorithm specified in Table 5 of the '067 Patent, or equivalent structure.”</p> <p><u>Intrinsic Evidence</u>:</p> <p>'067 Patent col. 3:26-34. <i>Id.</i> col. 6:41-45 and Table 3. <i>Id.</i> col. 7:13-16. <i>Id.</i> col. 7:23-30. <i>Id.</i> col. 7:38-47. <i>Id.</i> col. 7:56-8:5. <i>Id.</i> col. 8:35-36 and Table 4. <i>Id.</i> col. 8:58-61. <i>Id.</i> col. 9:3-10:7. <i>Id.</i> col. 10:12-15 and Table 5. <i>Id.</i> col. 10:12-67. <i>Id.</i> col. 11:1-35. <i>Id.</i> col. 14:47-49.</p> <p>'067 Patent prosecution history at April 18, 2007 Non-final Rejection, pp. 1-4. <i>Id.</i> at October 18, 2007 Amendment, pp. 1-18. <i>Id.</i> at January 3, 2008 Non-final Rejection, pp. 1-6. <i>Id.</i> at May 5, 2008 Amendment, pp. 1-15.</p> <p>'623 Patent prosecution history at October 14, 1997 Amendment, pp. 1-9. <i>Id.</i> at May 8, 1998 Amendment, pp. 1-7.</p>

C. THE TEN MOST IMPORTANT DISPUTED CLAIMS

As seen above and pursuant to LPR 132(c), the parties have less than ten disputed claims and therefore do not exceed the ten term limitation.

D. ANTICIPATED TIME NEEDED FOR CLAIM CONSTRUCTION HEARING

“The anticipated length and time necessary for the Claim Construction Hearing” LPR 132(d). The parties believe that the claim construction hearing will require one (1) hour, with thirty (30) minutes allocated to each side.

E. PROPOSED ORDER OF PRESENTATION

“The proposed order of presentation at the Claim Construction Hearing” LPR 132(e). The parties propose that Plaintiff present first, Defendant present second, and each party have the option to reserve time for rebuttal.

F. LIVE TESTIMONY

“The parties’ position on whether, why, and the extent to which the Court should consider live testimony at the Claim Construction Hearing” LPR 132(f). The parties do not intend to present live testimony.

G. TUTORIAL

“The parties’ position as to whether there should be a tutorial on the subject matter of the patent(s) at issue” LPR 132(g). The parties do not believe that a tutorial will be needed.

H. PRE-HEARING CONFERENCE

“Whether a pre-hearing conference, prior to the Claim Construction Hearing, is necessary” LPR 132(h). The parties do not believe that a pre-hearing conference will be needed.

I. INDEPENDENT EXPERT

“Whether the parties believe the Court should appoint an independent expert.” LPR 132(i). The parties do not believe that an independent expert is necessary.

Dated this 11th day of October, 2017.

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CERTIFICATE OF SERVICE

I hereby certify that on October 11, 2017, I caused the foregoing to be electronically filed with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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